



***Town of Tyngsborough***  
***Planning Board***  
25 Bryants Lane,  
Tyngsborough, Massachusetts 01879-1003  
Office: (978) 649-2300 ext. 115

MINUTES  
May 6, 2010

**APPROVED**

Attachments:

1. Meeting Agenda
2. Declaration of Drainage Easement & Restrictions for Lots 10, 11, 12, 13, and 14 (2, 4, 6, 8, and 10 Wilson Way respectively)
3. Quitclaim Deeds for Homeowners at 2, 4, 6, 8, and 10 Wilson Way

Members Present: Steve Nocco, Chairman  
Tom Delmore, Vice Chairman  
Steve O'Neill  
Jim Miller  
Caryn DeCarteret  
Bill Gramer, Associate Member  
Jesse Johnson, P.E.: David E. Ross Associates  
Pamela Berman, Administrative Assistant

**7:00pm -** Meeting opened by Chairman Nocco

**Wilson Way Drainage**

Chairman Nocco explained that the drainage system on Wilson Way was discussed during the Board of Selectmen's meeting held on Monday May 3, 2010. A few residents from Wilson Way were present to speak of their concerns regarding the failure of the drainage system on the street and to voice their opposition to accepting Wilson Way in its current condition. As a result of that discussion, the Board of Selectmen requested that the Planning Board meet with the residents and the Wilson Way developers at a regularly scheduled Planning Board meeting to discuss the drainage issues, and to schedule a site visit. Chairman Nocco invited the residents to come forward with their concerns.

Dan Desrosiers of 6 Wilson Way began by accusing the developers of "breaking a pipe" at 2 Wilson Way, then putting new stone down just before the engineer inspected it. He went on to accuse the Planning Board engineer Jesse Johnson of knowing about the broken pipe, and approving it anyway. Mr. Johnson strongly refuted that claim and explained that the pipe was allowing too much water to flow through. A different hole was drilled into the pipe

as a safety measure for the system. However, too much water was being deposited into Lake Massapoag; therefore, the new hole had to be sealed back up in order for engineer certifications to be issued. It was asked why the water in the detention basin at 2 Wilson Way wasn't draining, and instead standing for days and even weeks. Mr. Johnson explained that due to the lack of maintenance, the silt has built up and inhibited the system from working as it was designed. Scott Landsteiner of 10 Wilson Way asked about the run-off from the back of 8 Wilson Way and how it's affecting the drainage. Developer, Jim Patierno was present and explained that when they started the site work at 8 Wilson Way, it was discovered that Mr. Desrosiers of 6 Wilson Way altered his back yard which caused #8 to require a field adjustment in the drainage design. This design caused the water to drain from the back yard as it was originally supposed to flow, to the front swales. Mr. Desrosiers admitted that he put a 2-3 inch pipe in the ground at his house and added fill in order to divert the water from his backyard. Mr. Desrosiers also admitted that he did this without any design plans or engineer's certifications. Mr. Johnson said that this alteration would most definitely lend to the problems occurring now with the front drainage swales, but added that the swales need to be cleaned and maintained in order for the system to work as designed.

Chairman Nocco explained that according to the homeowner's Quitclaim Deeds and the Declaration of Drainage Easement & Restrictions, the owners of the homes on the street are responsible for maintaining the drainage swale system on the street. Scott Sasek of 2 Wilson Way stated that in his opinion, the system doesn't seem to be working well. There is a lot of silt and standing water in the detention basin at the foot of his driveway. The Board reiterated that this is caused by the lack of maintenance on the whole system. Mr. Landsteiner asked what the cost of maintaining the system would be. Mr. Johnson estimated that it might cost approximately \$1,000, more or less.

There was an extensive, often heated and redundant dialogue concerning the above issues. Chairman Nocco finally stated that there will be a site visit conducted as soon as possible in order to visually inspect the residents' concerns, and for the Planning Board's engineer to explain how the drainage system is supposed to work and what steps need to be taken in order to keep it working correctly. In addition, the developers indicated that they would attend the site visit and see how they might be able to work with the residents, within reason, to rectify any of these issues.

**Administrative**

The minutes from March 18, 2010 and April 15, 2010 will be approved at the next Planning Board meeting.

**7:45pm**

**S. O'Neill:** Motion to adjourn

**T. Delmore:** 2<sup>nd</sup> the motion

**In Favor: 6 Absent: 0**

**Passes: 6-0**

Minutes respectfully submitted by  
Pamela Berman  
Planning Board Administrative Assistant